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PATENT LAW GROUP LLP 2635 NORTH FIRST STREET SUITE 223 SAN JOSE, CA 95134			EXAMINER MARKS, CHRISTINA M	
			ART UNIT	PAPER NUMBER
			3713	14
DATE MAILED: 02/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,011

Applicant(s)

GAUSELMANN, MICHAEL

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The objection to the drawings is not withdrawn, as all elements are not shown. As requested by Applicant, the following claimed limitations are not properly illustrated and suggestion by the Examiner is included in parenthesis for the purpose of aiding the Applicant in correction.

- 1) selective illumination of the lamps (multi-stage illustration showing illumination)
- 2) lamps comprise LED's (show that the border of FIG 2 is LED by either changing the tag of reference 20 or adding a box connecting reference 20 to and LED box)
- 3) memory contains program instructions to ... (RE: Claims 7, 8, 9, 11, 12—should be put in a flow chart showing the program instruction as logical steps)
- 4) variable aspects of the game (illustrated as logical cases in the above mentioned flow chart)
- 5) linked gaming machines embodiment (illustration showing multiple machines connected together)
- 6) method claims (illustrated as a flowchart)

The Examiner contends that the Applicant's illustration of the lamps would not serve to describe to an ordinary artisan that those lamps are supposed to be selectively illuminated. A multi-stage drawing showing such would better define that those are indeed lamps to be selectively illuminated and an animation would not be required as well as a flowchart to detail the method enacted by the instructions in memory as well as the operation of the device.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all elements discussed above must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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A proposed drawing correction or corrected drawings are *required* in reply to the Office action to avoid abandonment of the application. The objection to the drawings *will not* be held in abeyance.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9, 12-20, 23-28 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard (US Patent No. 6,302,790) further in view of Forbes (US Patent No. 6,043,615).

Brossard discloses a gaming system and method performed by the machine that comprises a number of displays (FIG 4B, reference 114a-c, 416, and 423). The gaming device essentially has a memory for controlling a game played on a gaming system, as well as processing circuitry to receive instructions and control the displays. The gaming device also had a border in the form of a circle that encircles one of the displays that shows a picture of a celebrity wherein the celebrity picture is not a facet of the outcome. Though the encircled display is not the one on which the game is displayed, it would have been obvious to a skilled artisan to encircle the actual gaming display as the position of the lights is not wholly critical to the functionality and teachings relating to their purpose. For example, a skilled artisan would be motivated to place them around the gaming display to allow all of the gaming awarding to be done in one area and the audio-visual in another, thus allowing the player to not have to look up to see which bonus they have won. By keeping it at eye level, strain is reduced on the player. Further motivation would be that by encircling the display, attraction could be drawn in two places, from the lighting at the base of the machine and the celebrity picture at the top, thus doubly intriguing the player as the lights will attract them to possible bonus and the celebrity to

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the theme of the machine. If both are in the same area, the player is likely to not separate them and thus may not be as attracted as if they fully take in both. Further motivations would be plentiful based on the needs and desires for the game as chosen by the games designer as the placement of the lights are indeed a choice of design as a means to satisfy any number of given needs.

This border comprises a plurality of lamps that are selectively illuminated based upon signals to create a plurality of visual effects that change based on variable aspects of the gaming machine during operation (Column 7, lines 1-25) wherein the visual effects are used in manners that do not affect the outcome of the game. Outcome is not affected by the visual effects defined by the attract mode (Columns 5, lines 50-52) and the initial lighting after win (Column 7, lines 7-8). Though Brossard does not disclose that the border surrounds the displays that are controlled by the processing circuitry, such a design choice would have been obvious to one of ordinary skill in the art as the positioning of the circle of lights would be non-critical to the disclosure as shown by the numerous embodiments and thus positioning the lights to surround either of the displays controlled by the processor would have been an obvious design choice to one of ordinary skill in the art based upon the disclosure of Brossard and as highly detailed above. Further, Brossard discloses that the lights may be of multiple colors and the usage of colored lights is well known in the art and would have been an obvious means to illuminate the plurality of lamps.

Further, one of ordinary skill in the art would be motivated to use colors, as it is disclosed by Forbes that multi color fixtures add visual interest to the game and to the casino (Column 3, lines 6-63). Forbes discloses that lamps can be implemented with fixtures to provide a full range of color signaling by using different color lamps and providing separate on-off control (Column 3, lines 56-60), thus attracting users to the game. Much like the device of Brossard,

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Forbes uses the on-off control and color lamps to denote different modes of operation.

Therefore, it would have been obvious to one of ordinary skill in the art to implement the color lamps taught by Forbes into the system of Brossard in order to create a further visual interest to the user, thus attracting and keeping more players as provided by Forbes.

Regarding claim 2, Forbes discloses the usage of LED to achieve the lighting effects disclosed (Column 7, lines 5-21). Moreover, the usage of LED in gaming machines is well known in the art and would be obvious means for illuminating the lamps of the Brossard disclosure motivated by the fact that LEDs are cheap, last long and easy to replace.

Regarding claim 3, Forbes discloses to achieve the color scheme used in adding visual interest to the game, only red, blue and green LEDs need to be used (Column 4, lines 14-16).

Regarding claim 4, Brossard discloses a semi-transparent cover to cover the lamps (FIG 4B, reference 418).

Regarding claim 5, this cover of Brossard serves as a light diffuser as it diffuses some of the light given off by the full power of the LED to keep from the light being too bright.

Regarding claim 6, Brossard axiomatically has a border controller to control the illumination of the lights (FIG 5) and it is well known in the art to use conductors to connect lamps to controllers in gaming devices in order to properly conduct the electricity associated with the lamp to prevent burnout.

Regarding claims 7 and 26, Brossard discloses that the screen displays the game and the lamps are activated in a first manner defining an attract mode wherein they are flashing to attract the player (Column 5, lines 50-51) but have no affect on the game. The player can then play the game and an outcome is determined (Column 6, lines 14-59). If the outcome is a winning outcome, the lamps of the border will be activated in a second manner wherein they all

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become lit that is different from the first manner (Column 7, lines 1-18) wherein neither lighting effect affects the outcome of the game.

Regarding claims 8 and 27, Brossard discloses if the outcome is a losing outcome, the lights are activated in a third manner which is different from the attract and winning modes as no lights are illuminated.

Regarding claims 9 and 28, Brossard discloses the display includes two portions that are controlled by the processor. The first portion is the actual game itself and the second is the bonus screen (FIG 4B, display 1: 114, lamps 1: 418, display 2: 422, lamps 2: 414). Brossard also discloses two portions of lamps wherein the first screen is associated with the first portion. The lamps of the first portion will be activated based upon the first screen (FIG 8). The LED portion is associated with the second screen will be activated when the second screen is displayed and the player has been determined to be a winner (FIG 8). In summary, the first portion of lights will be activated based upon the first display screen and the second portion of lights will be activated when it has been determined the player is a winner (thus received a show from the second display). As disclosed above, the placement of the lights is a design choice of one of ordinary skill in the art and in both cases the lights associated with the display are indeed adjacent to it.

Regarding claims 12 and 31, as disclosed above, Brossard discloses a display, memory, and processing device. Brossard further discloses a border surrounding the display which comprises a plurality of lamps of multiple colors that can be selectively illuminated pursuant to signals from the processing (Column 7, lines 20-25) to create visual effects that change based on variable aspects of the game. Essentially the memory contains instructions to display game displays a screen that has regions adjacent to the border (FIG 4B) wherein each region corresponds to a winning amount. The system then can flash a plurality of lamps also

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positioned adjacently below the region in succession wherein each lamp is associated with one of the plurality of regions and receives an instruction to stop flashing wherein a payout is associated to the region adjacent to the last lamp illuminated (Column 7, lines 20-35).

Regarding claim 13, Brossard discloses that the display can comprise a video display (Column 2, lines 53-56).

Regarding claim 14, as discussed above, the system of Brossard axiomatically contains a border driver to illuminate the lamps connected to the border in order to perform the functionality disclosed.

Regarding claim 15, Brossard discloses the system contains a computer; hence, it axiomatically includes a CPU coupled to the memory (FIG 5).

Regarding claim 16, Brossard discloses a visual affects change is associated with a change in the status of the gaming system, such as from the attract mode to the gaming mode (Column 5, lines 50-60).

Regarding claim 17, Brossard discloses the variable aspects that cause a visual change also include a changing aspect of the game (FIG 8).

Regarding claims 18, 20, 23 and 24, it is well known in the art that visual affects are associated with a jackpot being won and it would be obvious to one of ordinary skill in the art to incorporate the lights disclosed by Brossard to do so (Column 5, lines 20-25) to draw attention to the jackpot winner as well as reward them with recognition. Brossard furthers on this by providing an audio-visual show including the lights. Brossard also includes a top light (FIG 4B) as a portion of the light effects associated with the audio-visuals and it such known lights are notoriously well known to flash when a jackpot is won or when a player requires an attendant. The attendant is also known to be required when the hoppers are empty or a malfunction has occurred. Further, one of ordinary skill in the art would be motivated to use the other lights

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disclosed by Brossard in order to draw further attention to the machine in order to provide quicker service by the attendant, thus limiting the downtime of the machine.

Regarding claim 19, Brossard discloses the gaming system changes the lighting show when the reel spinning begins as it changes from the attract mode to normal gaming mode wherein the light show is not the same as the status has changed (Column 5, lines 50-60).

Regarding claims 32-33, as disclosed above, though Brossard does not disclose that the border surrounds the displays that are controlled by the processing circuitry, such a design choice would have been obvious to one of ordinary skill in the art as the positioning of the circle of lights would be non-critical to the disclosure as shown by the numerous embodiments and thus positioning the lights to surround at least two sides or around adjacent side of either of the displays controlled by the processor would have been an obvious design choice to one of ordinary skill in the art based upon the disclosure of Brossard. A game designer of ordinary skill in the art would be enabled to perform this feat as it is well within the capability of one of ordinary skill in the art to change the place of lights on a gaming machine.

Regarding claims 34-35, the gaming device of Brossard selectively illuminates a lamp on the border (Column 7). Though Brossard does not disclose illuminating a plurality of lights, the method in which the lights are illuminated to attract players or for use in the game would be an obvious design choice to one of ordinary skill in the art and thus it would be obvious to allow the lights to flash in any manner including border on two sides or adjacent sides as it is known in the art that the method to illuminate the lights is merely a matter of programming choice.

Claims 10-11 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard (US Patent No. 6,302,790) further in view of Forbes (US Patent No. 6,043,615) further in view of Luciano, Jr. et al. (US Patent No. 6,541,921).

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What Brossard and Forbes disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Brossard and Forbes disclose the use of lights to define portions of the game and to attract players. Brossard and Forbes do not explicitly disclose associating brightness with the amount bet by a player or the number of paylines.

Luciano, Jr. et al. disclose that when lamps are used in devices, the intensity can be varied for different operating modes. It is well known in the art that paylines and coins bet define the operating mode of a slot machine in order to associate the correct pay tables and lines to compare to the tables. Luciano, Jr. et al. also support using a medium intensity during normal game mode that would be different from the high intensity used in an attract mode (Column 6, lines 15-20). Further, channel intensity variation can be used to vary the intensity when it is desirable to emphasize particular channels such as paylines used (Column 6, lines 15-20) to create a greater contrast between designated channels. It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Luciano, Jr. et al. into the gaming device of Brossard as both use light and light functions to attract players. One of ordinary skill in the art would be motivated to incorporate the brightness control as disclosed by Luciano, Jr. et al. into Brossard to provide even more control to the gaming machine to be able to define an even greater number of game circumstances, thus further enticing the user. By applying the teachings of Luciano, Jr. et al to keep a medium intensity during normal operation, further information such as paylines and bets could be relayed to the player by varying the intensity of the light display during the game as taught by Luciano, Jr. et al. Thus, user interaction and understanding would be increased causing more excitement from the player, as they would be able to directly affect the illumination of the lights.

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Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard (US Patent No. 6,302,790) further in view of Forbes (US Patent No. 6,043,615) further in view of Walker et al. (US Patent No. 6,328,648).

Brossard and Forbes do not disclose an embodiment wherein the gaming machines are linked with other gaming machines.

Walker et al. disclose a plurality of gaming machines linked together and each has a light that is used to indicate the status of each of the machines in a manner wherein the machines and their progress can be distinguished from each other (FIG 11B). Each of the lamps is associated with the progress of each machine. The machines are each linked together in attempts to win a competitive game of achieving the jackpot. It would therefore be obvious to use the lights to attract players to the machines when the competitive game is to start in order to have a greater number of players attempting to win the progressive jackpot, thus increasing casino revenue and the jackpot as well.

It would have been obvious to one of ordinary skill in the art to incorporate the linked gaming machines as taught by Walker et al. into the system of Brossard and Forbes. One of ordinary skill in the art would be motivated to make this incorporation in order to allow for progressive gaming, which is known in the art to generate more revenue for the casino and further attract players. By applying the teachings of Walker et al. to Brossard and Forbes, one of ordinary skill in the art would understand that a greater revenue could be garnished by using the lights to attract and implement a progressive gaming scheme.

Response to Arguments

Applicant's arguments filed 11 December 2003 have been fully considered but they are not persuasive.

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Regarding Applicant's argument that Brossard does not surround the gaming display with the lights, the Examiner has addressed this issue in the above newly formed rejections and points the Applicant to reference the rejection for support as to why such a feature would be obvious to Brossard.

Regarding the Applicant's argument that Brossard does not create visual effects that do not affect the outcome of the game, the Examiner respectfully disagrees and notes that the visual affects noted by the Examiner do not affect the outcome of the game (attract, illumination after winning) as detailed above.

Regarding the Applicant's argument that Brossard does not disclosed different light activation for winning and losing the Examiner respectfully disagrees. The first mode is an attract mode (Column 5, lines 50-52) wherein the lights are illuminated in a pattern or periodically to attract. The second mode is a no win mode which axiomatically has a different light activation than winning mode as only upon winning mode are all the lights illuminated (FIG 8) thus a skilled artisan understands that in non-winning mode (i.e. losing) the lights are not illuminated.

Regarding Applicant's argument that the winning amounts aren't adjacent to the lights in Brossard, the Examiner respectfully disagrees. The Applicant asserts they are over the light and the Examiner agrees but contends that this makes them adjacent to the light as well as they lie near it and are not the same point.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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